

Decision 02-04-037 April 22, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Cable & Wireless (U 5056 C) for Approval to Withdraw its Certificate of Public Convenience and Necessity to Provide Resold Local Exchange Service and to Discontinue Provisioning Resold Local Exchange Service.

Application 01-06-036
(Filed June 8, 2001)

**OPINION APPROVING VOLUNTARY REVOCATION
OF LOCAL EXCHANGE OPERATING AUTHORITY**

Cable & Wireless U.S.A., Inc. (Cable & Wireless) filed this application, pursuant to Pub. Util. Code § 2889.3 and General Order 96-A, requesting authority to withdraw its Certificate of Public Convenience and Necessity (CPCN) to provide resold local exchange service to residential customers in the State of California. Despite its intent to discontinue local exchange service, Cable & Wireless plans to continue providing interexchange and intra local access and transport area (LATA) long distance service to California customers.

In Decision 01-08-068, the Commission granted the request of Cable & Wireless to withdraw from the local exchange market, on the condition that it send a notice to its customers advising them of Cable & Wireless' termination of service effective 30 days following the notice. The order required Cable & Wireless to send a compliance report to the assigned Administrative Law Judge

(ALJ) certifying that the customer notification had been sent as directed, and that any remaining customers who had not chosen another carrier after 30 days had been transferred to the underlying incumbent local exchange carrier and not disconnected for failure to choose another provider.

On February 26, 2002, Cable & Wireless provided the required notice to the assigned ALJ confirming that all former local exchange customers had been transferred to the incumbent carrier, Pacific Bell Telephone Company, or to the carrier of the customer's choice.

Therefore, at the request of Cable & Wireless, we will revoke its CPCN to serve the local exchange market, effective with this order.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code §311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Cable & Wireless, a certificated competitive local exchange and long distance carrier, seeks to withdraw from the provision of local exchange service, but to continue offering interexchange and intraLATA long distance service.

2. As of February 26, 2002, all of Cable & Wireless' former local exchange customers have been transferred to the incumbent carrier, Pacific Bell Telephone Company, or to the carrier of the customer's choice.

Conclusions of Law

Cable & Wireless' CPCN to provide local exchange service should be revoked, as requested by the carrier.

O R D E R

IT IS ORDERED that:

1. Certificate of Public Convenience and Necessity for local exchange authority held by Cable & Wireless U.S.A., Inc. (U-5056-C) is revoked.
2. This proceeding is closed.

This order is effective today.

Dated April 22, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
CARL W. WOOD
GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners